

[Rollcall Vote No. 371 Leg.]

YEAS—87

Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Biden	Ensign	Miller
Bingaman	Enzi	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Reed
Brownback	Graham	Reid
Bunning	Gramm	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Kyl	Thomas
Craig	Landrieu	Thompson
Crapo	Levin	Thurmond
Daschle	Lieberman	Torricelli
DeWine	Lincoln	Warner
Dodd	Lott	Wyden

NAYS—10

Bennett	Hollings	Voinovich
Dayton	Jeffords	Wellstone
Feingold	Leahy	
Hagel	Nelson (NE)	

NOT VOTING—3

Akaka	Helms	Murkowski
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The conference report was agreed to.
Mr. KENNEDY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

CORRECTING ENROLLMENT OF H.R. 1

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 289, which is at the desk; that the Kennedy-Gregg amendment to the concurrent resolution be considered and agreed to, and the motion to reconsider be laid upon the table; that the concurrent resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2640) was agreed to, as follows:

Strike all after the resolving clause and insert the following: "That in the enrollment of the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, the Clerk of the House of Representatives shall make the following corrections:

On page 1, in section 2 of the bill, insert the following after the item for section 5:

"Sec. 6. Table of contents of Elementary and Secondary Education Act of 1965."

On page 1, in the item for section 401 of the bill, strike "century" and insert the following: "Century".

On page 1, strike the item for section 701 of the bill and insert the following:

Sec. 701. Indians, Native Hawaiians, and Alaska Natives.

On page 2, in the item for section 1044 of the bill, strike "school" and insert the following: "School".

On page 4, in the item for section 1121, strike "secretary" and "interior" and insert the following: "Secretary" and "Interior".

On page 5, in the item for section 1222, strike "early reading first" and insert the following: "Early Reading First".

On page 6, in the item for section 1504, strike "Close up" and insert the following: "Close Up".

On page 6, strike the item for section 1708.

On page 12, in the item for section 5441, strike "Learning Communities" and insert the following: "learning communities".

On page 14, in the item for section 5596, strike "mination" and insert the following: "Termination".

On page 25, line 31, strike "Any" and insert the following: "For any".

On page 25, line 32, after "part" insert the following: ", the State educational agency".

On page 25, line 33, after "developed" insert the following: "by the State educational agency".

On page 30, line 3, after "students" insert the following: "(defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years)".

On page 33, after line 35, insert the following:

"(K) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

On page 34, lines 2, 15, and 31, strike "State" and insert the following: "State educational agency".

On page 38, line 29, strike "section 6204(c)" and insert the following: "section 6113(a)(2)".

On page 39, line 11, strike "(2)(i)(I)" and insert the following: "(2)(I)(i)".

On page 40, line 22, strike "State" and insert the following: "State educational agency".

On page 41, lines 28, 33 (the 2d place it appears), and 35 strike "State" and insert the following: "State educational agency".

On page 42, lines 8, 19, 23 (each place it appears), and 27, strike "State" and insert the following: "State educational agency".

On page 44, lines 24 and 35, strike "State" and insert the following: "State educational agency".

On page 46, lines 6 and 7, strike "A State shall revise its State plan if" and insert the following: "A State plan shall be revised by the State educational agency if it is".

On page 46, lines 12 and 13, strike "by the State, as necessary," and insert the following: "as necessary by the State educational agency".

On page 46, lines 15 and 16, strike "If the State makes significant changes to its State plan" and insert the following: "If significant changes are made to a State's plan".

On page 46, lines 19 and 20, strike "the State shall submit such information" and insert the following: "such information shall be submitted".

On page 48, line 23, strike "(b)(2)(B)(vii)" and insert the following: "(b)(2)(C)(vi)".

On page 50, lines 2, 12, and 18, strike "State" and insert the following: "State educational agency".

On page 52, line 9, strike "State" and insert the following: "State educational agency".

On page 62, lines 3 and 4, strike "baseline year described in section 1111(b)(2)(E)(ii)" and insert the following: "the end of the 2001–2002 school year".

On page 90, line 10, strike "defined by the State" and insert the following: "set out in the State's plan".

On page 94, line 32, strike "State" the first place it appears and insert the following: "State educational agency".

On page 104, line 25, insert the following: "identify the local educational agency for improvement or" before "subject the local".

On page 120, line 28, after "teachers" insert the following: "in those schools".

On page 130, line 34, strike "subsection (b)" and insert the following: "subsection (c)".

On page 185, lines 24 and 25, strike "fully qualified" and insert the following: "highly qualified".

On page 227, line 16, strike "subsection (c)(1)(F)" and insert the following: "subsection (c)(1)".

On page 227, line 17, strike "9302" and insert the following: "9305".

On page 274, line 23, strike "States" and insert the following: "State".

On page 274, line 33, strike "1111(b)" and insert the following: "1111(h)(2)".

On page 275, line 19, insert a period after "school year".

On page 276, lines 20 and 25, strike "supplemental services" and insert the following: "supplemental educational services".

On page 283, line 25, strike "and" after the semicolon.

On page 283, line 31, strike "(d)" and insert the following: "(e)".

On page 284, line 1, strike "Congress".

On page 284, line 6, strike "(e)" and insert the following: "(f)".

On page 290, lines 14 and 22, strike "section" and insert the following: "part".

On page 293, line 4, strike "section" and insert the following: "part".

On page 556, line 1, strike "DEFINITIONS" and insert the following: "DEFINITION".

On page 599, line 23, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 600, line 12, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 601, line 4, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 601, line 9, strike "DEFINITIONS" and insert the following: "DEFINITION".

On page 601, line 10, strike "terms 'firearm' and 'school' have" and insert the following: "term 'school' has".

On page 620, line 22, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 635, line 14, strike "(b)" and insert the following: "(c)".

On page 635, line 20, strike "(c)" and insert the following: "(d)".

On page 781, line 32, insert closing quotation marks and a period after the period.

On page 873, line 25, amend the heading for section 701 to read as follows:

SEC. 701. INDIANS, NATIVE HAWAIIANS, AND ALASKA NATIVES.

On page 955, after line 6, insert the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. GENERAL PROVISIONS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

On page 1004, at the end of line 2, insert closed quotation marks and a period.

The concurrent resolution (H. Con. Res. 289), as amended, was agreed to.

Mr. DASCHLE. I yield the floor.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) amendment No. 2471, in the nature of a substitute.

Smith of New Hampshire amendment No. 2596 (to amendment No. 2471), to provide for Presidential certification that the government of Cuba is not involved in the support for acts of international terrorism as a condition precedent to agricultural trade with Cuba.

Torricelli amendment No. 2597 (to amendment No. 2596), to provide for Presidential certification that all convicted felons who are living as fugitives in Cuba have been returned to the United States prior to the amendments relating to agricultural trade with Cuba becoming effective.

Daschle motion to reconsider the vote (Vote No. 368) by which the motion to close further debate on Daschle (for Harkin) amendment No. 2471 (listed above) failed.

Wellstone amendment No. 2602 (to amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and to a payment limitation.

Lugar (for McCain) amendment No. 2603 (to amendment No. 2471), to provide for the market name for catfish.

Harkin modified amendment No. 2604 (to amendment No. 2471), to apply the Packers and Stockyards Act, 1921, to livestock production contracts and to provide parties to the contract the right to discuss the contract will certain individuals.

Burns amendment No. 2607 (to amendment No. 2471), to establish a per-farm limitation on land enrolled in the conservation reserve program.

Burns amendment No. 2608 (to amendment No. 2471), to direct the Secretary of Agriculture to establish certain per-acre values for payments for different categories of land enrolled in the conservation reserve program.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I ask unanimous consent that the motion to proceed to the motion to reconsider the cloture vote on the substitute amendment to S. 1731 be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Indiana.

Mr. LUGAR. Madam President, reserving the right to object, and I will not object, but I ask for the comity of the majority leader, if he would be prepared to amend his unanimous consent agreement of a few days ago to ensure my amendment with regard to nutrition be included in the list that he gave.

Mr. DASCHLE. Madam President, only if it is restricted to nutrition, I have no objection.

Mr. LUGAR. May I please respond to the distinguished majority leader that the amendment changes certain portions of the commodity programs and would increase nutrition spending. This is a full disclosure of what I have in mind.

Mr. DASCHLE. Madam President, I have no objection, and I ask my re-

quest be amended. I also hope that might encourage my dear friend from Indiana to vote for cloture at some point perhaps as early as tomorrow. I have no objection and so amend the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle for Harkin substitute amendment No. 2471 for Calendar No. 237, S. 1731, the farm bill:

Tim Johnson, Harry Reid, Barbara Boxer, Tom Carper, Zell Miller, Max Baucus, Byron Dorgan, Ben Nelson, Daniel Inouye, Tom Harkin, Kent Conrad, Mark Dayton, Debbie Stabenow, Richard Durbin, Jim Jeffords, Tom Daschle, Blanche Lincoln.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 2471 to S. 1731, the Agriculture, Conservation, and Rural Enhancement Act of 2001, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—54

Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Edwards	Mikulski
Boxer	Feingold	Miller
Breaux	Feinstein	Murray
Byrd	Graham	Nelson (FL)
Cantwell	Harkin	Nelson (NE)
Carnahan	Hollings	Reed
Carper	Hutchinson	Reid
Chafee	Inouye	Rockefeller
Cleland	Jeffords	Sarbanes
Clinton	Johnson	Schumer
Collins	Kennedy	Snowe
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—43

Allard	Cochran	Frist
Allen	Craig	Gramm
Bennett	Crapo	Grassley
Bond	DeWine	Gregg
Brownback	Domenici	Hagel
Bunning	Ensign	Hatch
Burns	Enzi	Hutchison
Campbell	Fitzgerald	Inhofe

Kyl	Santorum	Thomas
Lott	Sessions	Thompson
Lugar	Shelby	Thurmond
McCain	Smith (NH)	Voinovich
McConnell	Smith (OR)	Warner
Nickles	Specter	
Roberts	Stevens	

NOT VOTING—3

Akaka	Helms	Murkowski
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The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I ask unanimous consent that when the Senator from Massachusetts, Mr. KERRY, finishes his brief remarks the Senate recess until 2:30 today for the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

EMERGENCY ASSISTANCE FOR SMALL BUSINESS

Mr. KERRY. I thank the Chair.

I was at this time going to ask unanimous consent to move to the small business bill. I am not going to do that at this point in time, having had a conversation with the majority leader, a conversation with Senator BOND and other Senators. But I say to my colleagues on the other side of the aisle that we have been for several months trying to get emergency assistance through the normal lending process of the Small Business Administration to the small businesses that have not been helped. We have helped airlines. We have been talking about help for the insurance companies. We have a lot of small businesses. We always hear the speeches on the floor of the Senate extolling the virtues of the people who really make the businesses of our country grow; the place where all of the growth of the Nation exists—not in the Fortune 500 companies but in the small businesses.

Many of those businesses simply need a small tide-over with access to credit that they have been denied because of the downturn in the economy.

If you talk about stimulus, helping small businesses at this point in time is one of the most important ways we can invigorate our economy.

I hope and plead with my colleagues on the other side of the aisle. I have yet to have the administration come to us and say, here is the way we can improve your bill, or here is a change we really would like besides gutting the bill altogether, or simply not spending any money on small business.

In fact, by creating lending through the program that 63 of our colleagues have joined as cosponsors, we would, in fact, be making loan guarantees. This is not direct lending. These are loan guarantees that would be made at a less expensive rate than the disaster assistance loans currently being made. This is a way to get much more leverage for the dollars we invest.